

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES D. BROWN,

Plaintiff,

v.

HAROLD W. CLARKE, *et al.*,

Defendants.

Case No. C07-5683 FDB

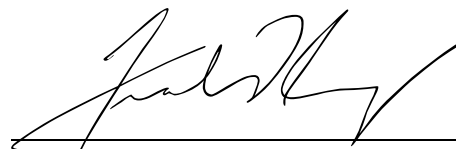
ORDER ADOPTING
REPORT AND
RECOMMENDATION
DISMISSING ACTION

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Plaintiff's 42 U.S.C. 1983 action be dismissed for failure to state a claim.

The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITH PREJUDICE** prior to service for failure to state a claim. An inmate has no right to earn a reduction of sentence under the Constitution itself. Further Washington state law does not provide a right in amassing earned time credits. *In Re Galvez*, 79 Wash. App. 655 (1995). **THIS DISMISSAL COUNTS AS A STRIKE PURSUANT TO 28 U.S.C. § 1915 (g).**
- (3) Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 25th day of February, 2008.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE